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attach**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

ROHR et al

Atty. Ref.: 550-269

Serial No. 09/955,297

Group: 1753

Filed: September 19, 2001

Examiner: Brian Mutschler

For: PHOTOVOLTAIC DEVICE

\* \* \* \* \*

June 26, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**DECLARATION SWEARING BEHIND ROHR ET AL "STRAIN-BALANCED  $\text{In}_{0.62}\text{Ga}_{0.38}\text{As}/\text{In}_{0.47}\text{Ga}_{0.53}\text{As}$  (InP) QUANTUM WELL CELL FOR THERMOPHOTOVOLTAICS" 28<sup>th</sup> IEEE PVSC (2000)**

We, Carsten Rohr, Keith William John Barnham, and James P. Connolly, declare as follows:

1. That we are coinventors of the above-identified application filed on September 19, 2001 and are also co-authors of "STRAIN-BALANCED  $\text{In}_{0.62}\text{Ga}_{0.38}\text{As}/\text{In}_{0.47}\text{Ga}_{0.53}\text{As}$  (InP) QUANTUM WELL CELL FOR THERMOPHOTOVOLTAICS" 28<sup>th</sup> IEEE PVSC (2000)(hereinafter "the Rohr reference");

2. That we and the other named coinventors conceived and reduced to practice the invention disclosed and claimed in the above application prior to September 21, 2000, the publication date of the Rohr reference;

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3. That the Rohr reference was a publication disclosing some of the details of the invention disclosed in the above identified application;

4. That prior to September 21, 2000, our conception and reduction to practice of the invention disclosed and claimed in the above identified application was described in the Exhibit A, attached hereto, which is a draft of the Rohr reference;

5. That the draft of the Rohr reference shown in Exhibit A was created before September 21, 2000, the publication date of the Rohr reference;

6. That the inventors of the invention disclosed in the Rohr reference and in the above identified patent application, at the time the invention was made, were subject to an obligation to assign the rights in the invention to the Imperial College of Science, Technology and Medicine in London, United Kingdom

7. That we do not know and do not believe that the invention disclosed and claimed in the above-identified application has been in public use or on sale in the United States or patented or described in a printed publication in the United States or any country foreign thereto for more than one year prior to the above application filing date, and that we have never abandoned the invention described and claimed in the above application;

8. That all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

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the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

*Carsten Rohr*  
**Carsten Rohr**

26 June 2003  
Date

*K.W.J. Barnham*  
**Keith William John Barnham**

26th June 03  
Date

*James P. Connolly*  
**James P. Connolly**

26<sup>th</sup> June '03  
Date

Enclosed:  
Exhibit A